BILL NO. Z-95-06-09

ZONING MAP ORDINANCE NO. Z-04-95

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. F-3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an RA (Residence District A) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

> Part of Lot 1, Highway Addition, in Wayne Township, Allen County, Indiana, in particular described as follows, to-wit:
>
> Commencing at the South corner of said Lot 1, thence running Northeastward on the Southeasterly boundary thereof on a line coincidental to the Northwesterly right-of-way line of U.S. Highway Number 24, a distance of 203.5 feet; thence Northwestward, a distance of 146.6 feet to the Northwesterly boundary of said Lot, as situated coincidentally with the southerly right-of-way line of the former location of U.S. Highway Number 24, now designated as North Bend Drive; thence southwestward on the northwesterly boundary of said lot; a distance of 203.5 feet, to the west corner thereof; thence southeast on the lot line between Lots 2 & 1, of said Plat a distance of 210 feet, to the place of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. F-3, as established by Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Clarus R Edmonds
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds, and duly adopted, ~~read~~ the second time by title and referred to the Committee on (Regulations) (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council ~~Conference Room 128, City~~ County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, ~~19~~ _____, at _____ o'clock _____ M., E.S.T.

DATED: 6-13-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	5		1	3
BRADBURY			✓	
EDMONDS				✓
GiaQUINTA	✓			
HENRY	✓			
LONG				✓
LUNSEY				✓
RAVINE	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 8-8-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) ~~(GENERAL)~~ ~~(SPECIAL)~~ (ZONING) ORDINANCE ~~RESOLUTION~~ NO. Z-04-95 on the 8th day of August, 19 95

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Don J. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of August, 19 95, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of August, 19 95, at the hour of 9:00 o'clock A M., E.S.T.

PAUL HELMKE, MAYOR

Held for 2 wks 8-8

BILL NO. Z-95-06-09

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. F-3

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Rebecca Ravine			
Sam Talarico			
Tom C. Henry			
		J.J. Bradbury	
Cletus R Edmonds			

DATED: 8-8-95

Sandra E. Kennedy
City Clerk

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 5/18

RECEIVED FROM Carter

THE SUM OF Three

ON ACCOUNT OF Ke

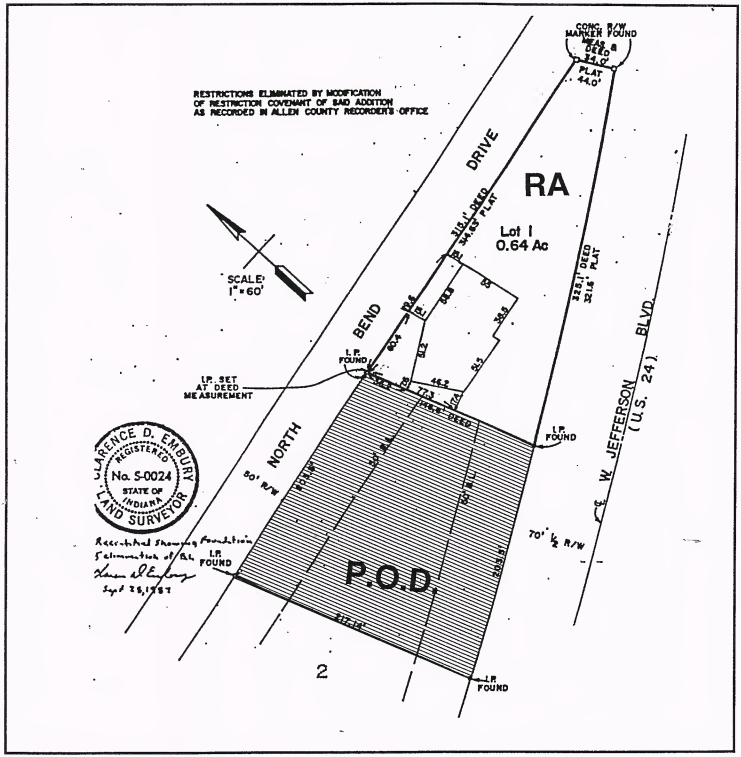
55875

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

REZONING PETITTION

AREA MAP

CASE NO. #585



COUNCILMANIC DISTRICT NO. 4

Map No. F - 3
LW 5-22-95

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

I/We Andiland, LLC, an Indiana limited liability company, do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an POD designation to a/an RA designation, the property located at the common street address of: 5100 BLK W JEFFERSON BL

and further described as follows:

See Exhibits "A" and "B" attached hereto and incorporated herein by reference.

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:

See Exhibit "C" attached hereto and incorporated herein by reference.

Property owners Name(s): Ramron Southwest Real Estate Partnership

Street Address: 2710 Lake Avenue

City: Fort Wayne State: IN Zip: 46805 Phone: 422-7455

Applicants Name (if different from above): Andiland, LLC

Street Address: 5236 Wapiti Drive

City: Fort Wayne State: IN Zip: 46804 Phone: 436-8583

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

ANDILAND, LLC By: _____	Tim Hodgin	5-17-95
Signature	Printed Name	Date
RAMRON SOUTHWEST REAL ESTATE PARTNERSHIP By: _____	RAMESH H. BHAT	5/17/95
Signature	Printed Name	Date
_____	_____	_____
Signature	Printed Name	Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

Name and address of preparer, attorney or agent.

Jon A. Bomberger
Baker & Daniels
2400 Ft. Wayne Nat'l Bank Bldg.
Fort Wayne, IN 46802

(219) 424-8000
Telephone Number

Form Rez494

Receipt #:	**Date Filed:**
Map #:	**Reference #:**

EXHIBIT "A"

Part of Lot 1, Highway Addition, in Wayne Township, Allen County, Indiana, in particular described as follows, to-wit:

Commencing at the South corner of said Lot 1, thence running Northeastward on the Southeasterly boundary thereof on a line coincidental to the Northwesterly right-of-way line of U.S. Highway Number 24, a distance of 203.5 feet; thence Northwestward, a distance of 146.6 feet to the Northwesterly boundary of said Lot, as situated coincidentally with the southerly right-of-way line of the former location of U.S. Highway Number 24, now designated as North Bend Drive; thence southwestward on the northwesterly boundary of said lot; a distance of 203.5 feet, to the west corner thereof; thence southeast on the lot line between Lots 2 & 1, of said Plat, a distance of 210 feet, to the place of beginning.

EXHIBIT "B"

Embury Engineering & Associates, Inc.

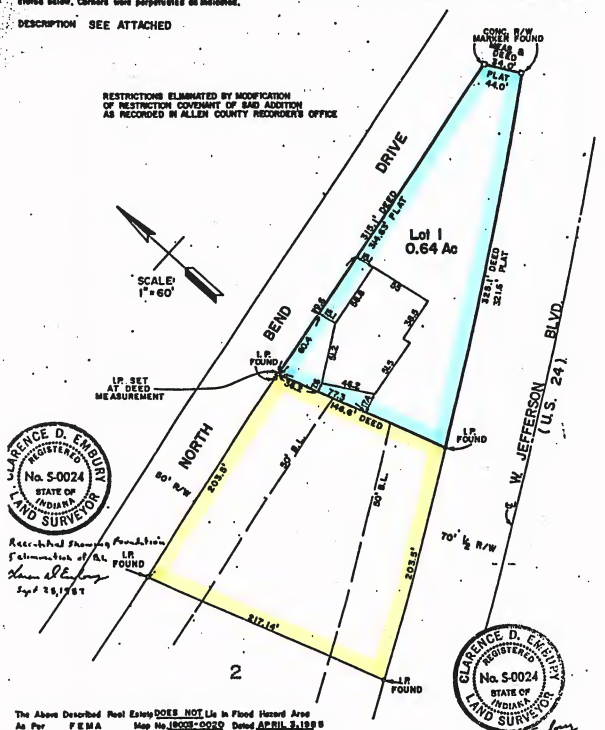
C. DUANE EMBURY, P.E. & L.S.

CIVIL ENGINEERING SURVEYING

CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of ALLEN County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION SEE ATTACHED



Recorded Showing Foundation Estimation of B.L.

Sept 25, 1987

The Above Described Real Estate DOES NOT Lie In Flood Hazard Area As Per FEMA Map No. 180003-0020 Dated APRIL 3, 1985

Surveyed for: DR. WALT HACKETT Survey No: 2000 W

I hereby certify on the 17th day of MARCH, 19 87 that the above survey is correct, all monuments and distances are to the

Clarence D. Embury

Subject property currently zoned POD

Adjacent property zoned RA with contingent use permit for medical clinic

EXHIBIT "C"

PETITION FOR ZONING MAP AMENDMENT

Petitioner, ANDILAND, LLC, is requesting that the property described in this petition ("Property") be rezoned, or perhaps, more appropriately, down-zoned, from its existing professional office district ("POD") designation to the residential ("RA") designation. Petitioner currently operates a medical clinic on property adjacent immediately to the north and east of the Property which is zoned RA with a contingent use permit for a medical clinic previously granted by the City of Fort Wayne Board of Zoning Appeals. The existing medical clinic requires additional parking. Petitioner desires to utilize the Property for additional parking for the existing medical clinic. In conjunction with the petition, petitioner will file a request with the City of Fort Wayne Board of Zoning Appeals for a contingent use permit for a parking area pursuant to Section 157.031(b)(11) of the Fort Wayne Zoning Code.

The existing POD designation on the Property is no longer an efficient or necessary means to coordinate development of the Property as the Property will now be developed in concert with the adjacent property to the north and east operated by the petitioner. Granting of the petition will result in a unification of zoning classifications and treatment of the Property and the adjacent property to the north and east as each will be zoned RA with applicable contingent use permits for the operation of the medical clinic and accessory parking.

This petition is in harmony with the considerations set forth in I.C. 36-7-4-603 and is presented with the advice and upon the recommendation of Plan Commission staff.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 13, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-06-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 19, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 26, 1995.

Certified and signed this
7th day of July 1995.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

b. Bill No. Z-95-06-09 - Change of Zone #585
From POD to RA
5000 Block of West Jefferson Blvd.

Jon Bomberger, attorney for the petitioner, appeared before the Commission. Mr. Bomberger stated that the petitioner operates a medical clinic in the 5000 Block of West Jefferson Blvd. He stated that adjacent to that property is the property that is the subject of this petition. Mr. Bomberger stated that it is a tract of undeveloped land, that is presently zoned POD (Professional Office District). He stated that they are seeking to have the property rezoned to the RA designation. He stated that the current medical clinic is operated on property zoned RA. It is operated pursuant to a Contingent Use permit granted by the Board of Zoning Appeals. He stated that it is their intention to use the undeveloped POD property as accessory parking for the existing medical clinic. He stated that the means to have a parking lot use on the POD property is cumbersome, and perhaps, technically impossible. He stated that as a result, they are attempting to rezone the POD parcel to RA, to allow them to apply for a Contingent Use permit, for accessory parking within 300 feet of the existing medical clinic. He stated that both properties are operated by the petitioner. He stated that the existing POD was rezoned in 1987, at that time a preliminary development site plan was approved, however, no secondary development site plan was submitted or approved. He stated that since that time no further development has occurred on the property. He stated that they are seeking to have the property zoned RA to allow them to unify the treatment of the classification of two parcels to the RA designation. He stated that they are preceding presently with a petition before the Board of Zoning Appeals for their June 29th hearing. He stated that they are requesting a Contingent Use permit for a parking lot. He stated that they have scheduled meetings with residents in the area, especially with people who live along North Bend Drive, prior to the Board of Zoning Appeals meeting.

Linda Buskirk questioned what it was about the POD zoning that makes it impossible to develop a parking lot on this property.

Mr. Bomberger stated that the POD classification does not allow for accessory parking. He stated that the POD classification requires some sort of planned office use within its zoning. He stated that they would have to flip-flop this around and have the RA zoned up to a POD to correspond with the existing zoning. He stated that the quickest way is to downzone the property from the POD to the RA and ask for approval from the Board of Zoning Appeals for parking.

Linda Buskirk questioned if the parking lot would have to meet the same requirements under the Contingent Use approval as it would under the POD zoning.

Mr. O'Brien stated that it would definitely have to meet the same requirements. He stated that the same types of concerns would be

addressed to the Board of Zoning Appeals. He stated that there would be no lessening of the quality of parking and buffering that would be required in connection with the rezoning.

Mr. Bomberger stated that they are well aware of the traffic situation in the area, and those are things that they will work through with the Board of Zoning Appeals.

Dave Kreischer, 1819 No Glendale Drive, board member of the Westmoor Park Neighborhood Association, appeared before the Commission. Mr. Kreischer stated that this request is within the boundaries of the Westmoor Park Neighborhood Association and they were not contacted regarding this request. He stated that he would be unable to speak for or against it, because he was unaware of the request.

Mr. O'Brien stated that according to the map available in the Plan Commission Office this property is not in the neighborhood association. He stated that Reckeweg Road and Fairway are the closest associations to this request. He stated that this property was posted with a public hearing sign.

Mr. Kreischer stated that originally it was not within their association. He stated however that Councilman David Long requested that they accept North Bend into the Westmoor Park Neighborhood Association.

Robert Gillie, 1511 No Glendale Drive, appeared before the Commission. He questioned if the property had to be posted.

Mr. Smith told him that the property was posted.

Mr. Gillie stated that he has driven by the property and he has not seen any posting on the property.

Mr. Smith stated that the staff stated that they posted the property. He stated that it was published in the newspaper.

Diane Noble-Embrick, 5321 Kenton Lane, a board member of Westmoor Park Neighborhood Association appeared before the Commission. Ms. Noble-Embrick stated that she was present in 1987 when they had the hearing. She stated that she was not aware that the property where the medical clinic sits was not a POD. She stated that she was under the impression from the previous hearings that the entire parcel would be nothing other than a POD. She stated that she is puzzled by their request for parking on this parcel. She stated that she is in and out of this area a great deal. She stated that she has never seen more than 1 or 2 cars in the existing parking lot, and she wonders why they need another parking lot. She stated that one of their concerns with the RA zoning is that it could be developed into apartments or condos. She stated that they have nothing against apartments or condos but they have a rather unique traffic situation at this intersection. She questioned why they needed an RA to do the parking lot, if they can do it under the

POD. She stated that with the expansion of the parking lot it will add to an already dangerous traffic situation.

Dave Ross asked Ms. Noble-Embrick if she was aware that they are looking at cul-de-sacing North Bend Drive at Reckeweg and extending Glendale north, so that it does intersect at a 90 degree angle at Jefferson.

Ms. Noble-Embrick stated that was something that they have been looking forward to since the 1987 hearings. She stated that she was aware, but they have not gotten any confirmation that it will be done.

Mr. Ross questioned if she could judge how the association would react to the reconfiguration.

Ms. Noble-Embrick stated that she felt, that the Board as a whole, would support the North Glendale extension through North Bend to West Jefferson.

Gene Redding, 2113 Melbourne Ct, appeared before the Commission. Mr. Redding questioned that if the property becomes a parking lot will they have access to North Bend.

In rebuttal, Mr. Bomberger stated that in 1967 a Contingent Use permit was granted for the medical clinic. He stated that the vacant property, approximately 200 feet southwest, was zoned POD in 1987. He stated that the POD property is the property that they are talking about currently. He stated that they are not seeking to develop another office on that site. He stated they are trying to develop additional parking for the existing medical clinic, that is why the current POD zoning will not work for their purposes. He stated that the POD zoning requires a site plan for another office. He stated that this property is not large enough for an apartment complex. He stated that it could be developed as a separate office currently. He stated that they are asking to take two adjacent parcels and make them for zoning purposes, one parcel. He stated that they have no interest in creating a traffic problem. He stated that they have been working with staff in terms of what the future plans are for North Bend Drive. He stated that they contacted the Westwood-Fairway Addition and the Reckeweg Road people. He stated that they also specifically contacted people that live on North Bend Drive. He stated that he would take the names of the people that were present who had not been contacted. He stated that they have a meeting set up and they will do whatever they can to make sure that they are fully informed.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

FACT SHEET

Z-95-06-09
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Map Amendment From POD to RA

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

5000 Blk of W Jefferson Blvd

Reason for Project

Expansion of Medical Clinic

Discussion (Including relationship to other Council actions)

19 June 1995 - Public Hearing

See Attached Minutes of Meeting

26 June 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, the Chair did not vote. Motion carried.

Members Present: James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith

Members Absent: Linda Buskirk, Ernest Evans, Vicky VerPlanck

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Andiland, LLC an IN Ltd Liability Co City Department Other
Opponents	Groups or Individuals Gene Redding, 2113 Melbourne Diane Noble, 5321 Kenton Ln Basis of Opposition -RA zone would open up use to multi family - if parking lot how would it be accessed
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 18 May 1995

Projected Completion or Occupancy Date 7 July 1995

Fact Sheet Prepared by Date 17 July 1995

Patricia Biancaniello

Reviewed by Date 19 July 1995

Reference or Case Number

ORIGINAL ORIGINAL

#585

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 5000 Blk of W Jefferson Bl

Z-95-06-09

EFFECT OF PASSAGE Property is currently zoned POD - Professional Office District. Property will be zoned Residential A.

EFFECT OF NON-PASSAGE Property will remain zoned POD - Professional Office District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)